

REMARKS

Claims 1-47 were presented for examination, are pending and are rejected. Reconsideration is respectfully requested.

The 35 U.S.C. § 103 Rejections

Claims 1-47 are rejected as being unpatentable over Beach et al. in view of O'Brien et al. The rejection is respectfully traversed.

The Beach et al. reference was filed before the applicants' filing date and issued after the applicants' filing date. Therefore, the reference qualifies as prior art only under 35 U.S.C 102(e). Note that 35 U.S.C 103(c) states: "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Both Beach et al. and the subject application were, at the time the invention was made, owned by the same person and subject to an obligation of assignment to the same person. Both cases have in fact been assigned to The Regents of the University of California. This is evidenced on the covers of each of the published application and the issued patent. Further evidence of this can be provided if necessary.

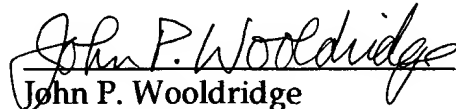
Therefore the rejection should be withdrawn.

Conclusions

It is submitted that this application is in condition for allowance based on claims 1-47 in view of the foregoing comments.

If any impediments remain to prompt allowance of the case, please contact the undersigned at 808-270-1011.

Respectfully submitted,


John P. Wooldridge
Attorney for Applicant
Registration No. 38,725

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